

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Kyle B. Richards,

Plaintiff,

v.

Case No. 12-14148

Ken McKee, et. al.,

Honorable Sean F. Cox

Magistrate Judge Laurie J. Michelson

Defendants.

ORDER
ACCEPTING AND ADOPTING REPORT & RECOMMENDATION

On September 19, 2012, Plaintiff brought this action against nearly fifty defendants, including Macomb County Jail officials and personnel, alleging violations of 42 U.S.C. section 1983 and state law. (Doc. #1). On December 10, 2012, this Court granted Plaintiff's motion to proceed *in forma pauperis*. (Doc. #12).

Defendant Scott Campau thereafter filed a Motion to Revoke Plaintiff's *In Forma Pauperis* Status, (Doc. #56), arguing that Plaintiff is not permitted to proceed *in forma pauperis* as he has had three cases dismissed because the court found they were frivolous, malicious, or failed to state a claim ("three strikes rule."). Plaintiff filed a response in opposition to Defendant's motion. (Doc. #60).

In a Report and Recommendation ("R&R") issued on December 12, 2013 (Doc. #62), Magistrate Judge Michelson recommended that this Court deny Defendant's motion because this Court has already considered, and rejected, Defendant's argument in its Order Granting *In Forma Pauperis* Status. (Doc. #12). Specifically, Judge Michelson points out that this Court found that

Plaintiff's situation fell within the "imminent danger" exception to the "three strikes" rule because Plaintiff alleged that "prison authorities are starving him" and that he was "beginning to suffer physical symptoms from lack of food." (Doc. #12, Dec. 10, 2012 Order at 3-4). No party has filed objections to the December 12, 2013 R&R.

Pursuant to FED. R. CIV. P. 72(b), a party objecting to the recommended disposition of a matter by a Magistrate Judge must file objections to the R&R within fourteen (14) days after being served with a copy of the R&R. "The district judge to whom the case is assigned shall make a *de novo* determination upon the record, or after additional evidence, of any portion of the magistrate judge's disposition to which specific written objection has been made." *Id.*

The time for filing objections to the R&R has expired and the docket reflects that neither party has filed objections to the R&R. Furthermore, the Court agrees with the Magistrate Judge's analysis of the issues presented. Therefore, the Court hereby ADOPTS the December 12, 2013 R&R. IT IS ORDERED that Defendant's Motion to Revoke Plaintiff's *In Forma Pauperis* Status is DENIED.

IT IS SO ORDERED.

Dated: January 9, 2014

S/ Sean F. Cox
Sean F. Cox
U. S. District Court Judge

I hereby certify that on January 9, 2014, the foregoing document was served upon counsel of

record by electronic means and upon Kyle B. Richards by First Class Mail at the address below:

Kyle Richards
641715
Bellamy Creek Correctional Facility
1727 West Bluewater Highway
Ionia, MI 48846

Dated: January 9, 2014

S/ J. McCoy
Case Manager